IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 27730 of 2006(A)

PETITIONER:

N.MOHANAN, ILLIKKAT HOUSE,
KOONAMTHAI, EDAPPALLY,
KOCHI-25.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SRI.T.R.SADEESAN
SMT.DHANYA CHANDRAN

RESPONDENTS:

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1. KERALA WATER AUTHORITY,
REP. BY ITS MANAGING DIRECTOR,
THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY,
WATER SUPPLY SUB DIVISION,
KALAMASSERY.

BY SC SRI. M. DINESH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 27730 OF 2006

Dated this the 5th day of December, 2006

JUDGMENT

Petitioner is challenging the bills raised by the Water Authority for water consumption in the connection given to the Petrol Pump. Even though petitioner has a case that connection was given to his house, it is clear from the address itself that connection is given to petrol bunk. Obviously petitioner has used water for domestic use also. It is conceded by Water Authority that meter was defective and therefore bills were raised based on estimated consumption of water. Basis for estimation of consumption is not clear from the bills. Since disconnection is effected and petitioner does not want the connection again, I feel estimation of consumption can be bifurcated between domestic and non-domestic and appropriate rate has to be charged based on apportionment. Moreover, since meter was defective, estimation has to be made on a scientific basis based on the average consumption in the previous months or on any other rational basis. W.P. is accordingly disposed of vacating disputed bills with direction

to the Water Authority to make estimation and apportionment and demand charges as stated above within a period of one month from the date of production of a copy of this judgment by the petitioner. Before raising bill and demanding charges, second respondent should send a proposal to the petitioner, giving the data based on which estimation and apportionment are made for non-domestic and domestic consumption for the petitioner to raise objections.

(C.N.RAMACHANDRAN NAIR)
Judge